

A G E N D A
BOARD OF SHELBY COUNTY COMMISSIONERS
CHARTER FORM OF GOVERNMENT
APRIL 11, 2005

1:30 P.M.	COMMISSION CONVENES
CALL TO ORDER	Deputy Sheriff Carol Taylor
INVOCATION	Moment of Silence

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

KIRK ADOPTED	March 28, 2005
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C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

FLINN ADOPTED	1. Resolution in honor of Running Pony Productions.
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Ordinances

Zoning and Subdivisions

MOSS ADOPTED	2. Resolution approving various subdivision contracts, extensions, bond releases, etc. as recommended by the County Engineer.
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Reports and/or Resolutions of Standing Committees

KIRK ADOPTED	3. Resolution approving the sale of eighteen delinquent tax parcels from Tax Sale(s) 17, 54, 82.2, 83.1, 85.2, 94.2, 94.5, 95.2, 96.2, 97.3, 98.2, 99.1 and 99.2 pursuant to the provisions of Tennessee Code Annotated 67-5-2507.
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**KIRK
ADOPTED**

4. Resolution rescinding the sale of fourteen delinquent tax parcels from Tax Sale(s) 17, 89.5, 94.5, 95.2, 96.2, 97.3, 97.4, 99.1 and 99.5 pursuant to the provision of Tennessee Code Annotated 67-5-2507.

**KIRK
ADOPTED**

5. Resolution to convey one delinquent tax parcel of county owned real property totaling 13,503.6 square feet (0.31 acres) in size, located on Memphis-Arlington Road (parcel #B015700565) to the City of Bartlett for expansion of Nesbit Park.

**KIRK
(DEFERRED
TO 04/25/05)**

6. Resolution approving the sale of 9.8+/- acres of improved real property located at 3335 Old Getwell Road, formerly known as "Tall Trees" to R. Lemoyne Robinson for \$285,000.00.

**KIRK
ADOPTED**

7. Resolution to grant a 5 foot wide permanent utility easement across county owned property located on the west side of Horn Lake Road, approximately 475 feet north of the north line of Shelby Drive, to the City of Memphis, for the use and benefit of the Memphis Light Gas and Water Division for the relocation of existing underground electric facilities.

**KIRK
ADOPTED**

8. Resolution to grant a 3 foot wide permanent utility easement across county owned property known as the Shelby County Sheriff's Substation, which is located on the north corner of Jetway Avenue and Memphis-Arlington Road, to the City of Memphis, for the use and benefit of the Memphis Light Gas and Water Division for the installation of an anchored guy wire.

**LILLARD
ADOPTED**

9. Resolution authorizing Amendment Number 7 to Contract Number CA972096 with Parsons Transportation Group for additional professional services for the design of improvements to Houston Levee Road from Dogwood Road to Macon Road, amending the amount appropriated for the contingency funds to Contract Number CA043727 in Resolution Number 20 adopted June 23, 2003, and appropriating funds in the amount of \$19,790.00 for Amendment No. 6 to Contract Number CA972096 with Parsons Transportation Group, Inc.

**LILLARD
ADOPTED**

10. Resolution amending the FY 2004/2005 Operating Budget for the Division of Public Works, Department of Homeland Security Weapons of Mass Destruction Grant in the amount of \$117,160.60.

**LILLARD
ADOPTED**

11. Resolution approving Change Order Number 4 to Contract Number CA042737, appropriating funds in the amount of \$274,891.73 from the FY 2004/2005 Budget for CIP Project Number 100129, Houston Levee Road, to provide construction of the Context Sensitive Design for the Houston Levee Road bridge over the Wolf River;

amending the appropriation for right-of-way for Holmes Road in Resolution Number 9 adopted on April 22, 2002, and amending the FY 2004/2005 CIP Budget by transferring the amount by \$91,630.57 to Project Number 100129, Houston Levee Road.

**FORD
ADOPTED**

12. Resolution to approve Contract Amendment Number 1 between Memphis and Shelby County Health Department and the Tennessee Department of Health to reduce the funding by \$18,000.00 to \$117,900.00 for laboratory services provided to the Tennessee Department of Health and for the maintenance of a bio-terrorism laboratory for the period July 1, 2004 – June 30, 2005 and to amend the FY 2004/2005 Shelby County Operating Budget.

**THOMPSON
ADOPTED**

13. Resolution receiving and filing the report of the Judicial Commissioner Program as required by Tennessee Code Annotated 40-1-111.

**THOMPSON
ADOPTED**

14. Resolution approving an amendment to the contract with CS3, Inc. to increase said contract by the amount of \$29,300.00 for a contract total of \$81,164.00 and to amend the FY 2004/2005 Shelby County Operating Budget as per Exhibit A to allow full expenditure of child support enforcement grant proceeds.

**THOMPSON
ADOPTED**

15. Resolution amending the FY 2004/2005 Byrne Grant budget of the Office of the District Attorney General for the West Tennessee Violent Crime and Drug Task Force to permit the transfer of funds from Personnel expenditures to Operations and Maintenance.

**THOMPSON
ADOPTED**

16. Resolution amending the FY 2004/2005 General Fund Budget of the District Attorney General's office to allow the modification of the General Fund Operations and Maintenance Budget and to balance the operating transfer of accounts between the general and grant funds.

**MALONE
ADOPTED**

17. Resolution to amend the FY 2004/2005 Shelby County Operating Budget to reflect a donation of furniture from Lawyers Title Insurance Corporation.

**FORD
ADOPTED**

18. Resolution to amend Shelby County Retirement System Plan A to change to increase the compensation certain retirees may be paid for work performed for the county after retirement while still continuing to receive his pension.

FORD
ADOPTED

19. Resolution to amend Shelby County Retirement System Plan B to change to increase the compensation certain retirees may be paid for work performed for the county after retirement while still continuing to receive his pension.

FORD
ADOPTED

20. Resolution to amend Shelby County Retirement System Plan C to change to increase the compensation certain retirees may be paid for work performed for the county after retirement while still continuing to receive his pension.

FLINN
ADOPTED

21. Resolution rescinding previously approved resolution approving Homestead Program transfer of properties and reassigning properties to the real estate office for sale.

MALONE
ADOPTED

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD
(DEFERRED
TO 04/25/05)

22. Resolution approving the county mayor's nomination of Wesley Grace for reappointment to the Memphis and Shelby County Center City Revenue Finance Corporation.

Ordinances

MOSS
(DEFERRED
TO 04/25/05)

23. **ORDINANCE – (ZTA 03-002 CC) THIRD READING** – A joint ordinance amending the Memphis and Shelby County Zoning Ordinance adopted by the Shelby County Board of Commissioners on October 6, 1980, and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, by amending Section 29 - Signs
 Subsection III – Definitions;
 Subsection IV – Classification of signs;
 Subsection V – Signs prohibited;
 Subsection VI – General standards;
 Subsection VII – Permanent on-premise sign regulations;
And by creating a new Subsection XII – Violations, And a new Subsection XIII – Enforcement and Penalties; amending Section 30 – Nonconformities; Subsection E – Nonconforming on-premise and off-premise signs; providing for severability; providing for repeal of conflicting ordinance requirements; and providing an effective date.

Zoning and Subdivisions

MOSS
FAILED

24. Resolution approving the appeal of Mr. Darrell K. Thompson seeking to overturn the action of the Memphis and Shelby County Land Use Control Board approving an additional two-year period in which a final plat is required to be filed for Brunswick Farms Subdivision (Case No. S 96-045 CO).

LEGAL OWNER: WATCO (Wayne Todd, President)

APPELLANT: Mr. Darrell K. Thompson

LOCATION: North side of U.S. Highway 70; beginning 845.40 feet east of the intersection of Brunswick Road and U.S. Highway 70.

REQUEST: Appeal to overturn the action of the Land Use Control Board approving a two (2) year time extension for the preliminary plat of the Brunswick Farms Subdivision.

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL SUBJECT TO REVISED CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL SUBJECT TO REVISED CONDITIONS

(No notice of public hearing in newspaper of general circulation required; however, notice letters to interested property owners mailed on Friday, February 18, 2005.)

MOSS
(DEFERRED
TO 04/25/05)

25. CASE NO. SAC 04-615 CO
- APPLICANT: Latting Road Partners, LLC
- LOCATION: East of Berryhill Road, approximately 2,933 feet
- REQUEST: Unimproved street closure and right-of-way vacation

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL SUBJECT TO ONE CONDITION

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL SUBJECT TO ONE CONDITION

(No notice of public hearing or notice letters to interested property owners required since there was no opposition at the Land Use Control Board.)

**MOSS
FAILED**

26. **CASE NO. SUP 04-225 CC**
APPLICANT: Richard and Tonya Pike
- LOCATION:** South side of Lucy Road; +/-61 feet west of a southwardly projection of Chase Road
- REQUEST:** Cemetery
- Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS
- Memphis and Shelby County Land Use Control Board recommendation:
REJECTION
- (Notice of public hearing published in the Daily News on Friday, April 1, 2005.)

**MOSS
(DEFERRED
TO 04/25/05)**

27. **CASE NO. Z 04-138 CC**
APPLICANT: David Miller
- LOCATION:** Generally located 500 – 1,200 feet northeast of the eastern terminus of Huntington Oaks Drive
- REQUEST:** Parcel 1 – Single family residential (R-S10) District
Parcel 2 – Agricultural Floodplain (AG[FP]) Districts
- Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL
- Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL
- (Notice of public hearing published in the Daily News on Friday, April 1, 2005.)

Reports and/or Resolutions for Standing Committees

**WILLINGHAM
(DEFERRED
TO 04/25/05)**

28. Resolution directing Shelby County Administration to begin dispute resolution process with HOOPS on Conflict Dates/No Compete issues relative to the Pyramid and the Mid-South Coliseum.

**BOLTON
(DEFERRED
TO 04/25/05)**

29. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled "An act to authorize Shelby County to levy and collect a Privilege Tax on development in order to provide that development contribute its fair share of the cost of providing and maintaining public facilities and services made necessary by such development."

Announcements/Statements

- 30. Notification from county mayor of various appointments/ reappointments to Boards Commissions, and offices of Shelby County Government.**
- a. Resolution approving the county mayor’s nomination of Dawn W. Kinard, E. Scott Fleming, Eugene Pearson “Gene” Gibson, Jr., and Marvin H. Palmer, Sr. for reappointment to the Memphis and Shelby County *Land Use Control Board***
 - b. Resolution approving the county mayor’s nomination of Frank C. Ryburn for reappointment and of J. Tony Thompson III for appointment to the Memphis and Shelby County *Industrial Development Corporation* for the unexpired term of Maury Bush.**
 - c. Resolution approving the County Mayor’s nomination of Linda Rendtorff to the Aging Commission of the Mid-South.**

Adjournment

**THOMPSON
ADOPTED**

- 31. Resolution of Adjournment to April 25, 2005, at 1:30 p.m.**

AGENDA # 2
APRIL 11, 2005

2A

**SUBDIVISION: DAVID CRAIG SUBDIVISION, RESUBDIVISION OF LOT 3
(S 04-030 CO)**

DEVELOPER: DAVID CRAIG

**ACTION: RESOLUTION TO APPROVE THE PLAT FOR DAVID CRAIG
SUBDIVISION, RESUBDIVISION OF LOT 3 (S 04-030 CO) AND
AUTHORIZE THE RECORDING OF THE PLAT**

**LOCATION: NORTHEAST CORNER OF SALEM ROAD AND SALEM
TERRACE ROAD**

2B

SUBDIVISION: MOUNT PISGAH P.D. (P.D. 04-338 CC)

DEVELOPER: RUSCO

**ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE
THE IMPROVEMENTS TO MOUNT PISGAH P.D. (P.D. 04-338
CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN
BONDING PROCEDURES HAVE BEEN FULFILLED**

**LOCATION: EAST OF HOUSTON LEVEE ROAD +/-1,315 FEET AT THE
NORTHERN TERMINUS OF LAWSON DRIVE AND +/-150 FEET
NORTH OF ITS INTERSECTION WITH SPRUCE GROVE LANE**

[For questions regarding the Agenda, please call Steve Summerall at 545-4301.]